



STATE OF MICHIGAN

RICK SNYDER
GOVERNOR

DEPARTMENT OF TECHNOLOGY, MANAGEMENT & BUDGET
LANSING

JOHN E. NIXON, CPA
DIRECTOR

RFP No. 2009-0146

REQUEST FOR PROPOSALS

Sale of Vacant Michigan Department of Corrections (DOC) Camp Manistique Real Property Consisting of Approximately 30.297 Acres of Land and Improvements Thereon at 401 North Maple Street, City of Manistique, County of Schoolcraft, Michigan

I. Introduction and Overview

Pursuant to Public Act 83 of 2013, the Michigan Department of Technology, Management & Budget (DTMB), acting through its Real Estate Division (the "Office"), has been authorized to sell certain real property owned by the State of Michigan (the "State") located at 401 North Maple Street, in the City of Manistique, County of Schoolcraft, Michigan commonly known as "Camp Manistique" (the "Property"), and legally described in the attached Offer to Purchase Real Property (the "Offer").

The Property can be generally described as a 30.297 acre parcel of land featuring a two-story brick main building containing 39,323 square feet, a garage/shop building of 1,800 SF, a roofed storage buildings open on all sides of 4,800 square feet and a parking shelter open on one side of 4,000 square feet. The Property was previously used as a State of Michigan Correctional Facility capable of accommodating up to 216 prisoners and 49 staff members. Much of the property, including the main building, is enclosed by a fence. The Property has been vacant since October 2007.

The State will accept sealed Proposals for the Property until 3:00 p.m. (Eastern Standard Time) on Monday, August 19, 2013 (the "Due Date"). In the event that the initial bid period does not produce a viable award recommendation, the State may, at its discretion, extend the bidding period until it receives a viable bid. Timelines will be moved to correspond to the accepted bid date. Notification of a bidding extension will be made on DTMB's Real Estate Division website www.michigan.gov/dtmb-realestate (link "surplus Real Property For Sale through DTMB")

The first qualifying bid that is received and accepted will end the extension period. Bids will be opened on the Due Date at 3:30 p.m. (EST). It is the intention of the State to notify, no later than Friday, August 23, 2013 the successful Bidder who is the most responsive and responsible and offers the highest price or highest value to the State. Notification will be via phone, followed in writing.

The State reserves the right to waive any irregularity or defect in any submission; request clarification or additional information regarding Proposals; to conduct a Best and Final Offer (BAFO); to cancel this Request for Proposal (RFP) and to reject any and all Bids at its sole

discretion. The State shall assume no liability whatsoever for any expense incurred by a Bidder in replying to this RFP.

Bidders are cautioned that DTMB will not accept proposals contingent upon receiving tax credits, loan guarantees, rent rebates or other subsidies.

Note that for purposes of this RFP, and of all submitted responses thereto, the State uses the terms "proposal" and "bid" interchangeably and with the same meaning. Similarly, the words "proposer" and "bidder" are also used interchangeably and with the same meaning.

- A. The following documents are available on-line at DTMB's Real Estate Division website www.michigan.gov/dtmb-realestate (then click on the following link "Surplus Real Property For Sale through DTMB"):

1. This Request for Proposals (RFP No. 2009-0146)
2. Bidder's Acknowledgement
3. Offer to Purchase Real Property
4. Release of Liability Form
5. Public Act 83 of 2013
6. City of Manistique 2013 Property Appraisal Report for Camp Manistique
7. The property survey map & legal description prepared by the DTMB Office of Facilities and dated 12-16-1991, as well as other maps on file with the DTMB Real Estate Division depicting the subject property or easement(s) thereon.
8. Any title work on file with the DTMB Real Estate Division, including the 12-28-1989 deed by which the State acquired the Property from the City of Manistique.
9. Phase I Environmental Site Assessment Report by UP Engineers & Architects, Inc., dated 7-21-2008.
10. Phase II Environmental Site Assessment Report by AKT Peerless Environmental Services, dated 9-24-2008.

Printed copies of the documents listed above are also available for review by appointment only at the Real Estate Division located at 530 W. Allegan, Lansing, Michigan. Please contact The DTMB Real Estate Division at (517) 335-6877 for an appointment to view them before the RFP due date.

B. Overview of Key RFP Dates

1. Friday, August 9, 2013 – RFP release date.
2. Wednesday, August 14, 2013, by 3:00 p.m. EST – Deadline for prospective bidders to register to participate in the guided Camp Manistique site tour. This date and time is also the deadline for submitting questions about the RFP and its attachments.
3. Thursday, August 15, 2013, starting at 10:00 a.m. EST - Date of guided Camp Manistique site tour (rain or shine) for prospective bidders who have pre-registered for it.
4. Friday, August 16, 2013 – Date by which official answers to properly submitted questions about the RFP and its attachments will be posted on the DTMB Real Estate Division website.
5. Monday, August 19, 2013 by 3:00 p.m. EST - Completed proposals due to the DTMB Real Estate Division offices in Lansing, Michigan.
6. Friday, August 23, 2013 - Date by which the State hopes to be able to accept a winning proposal to purchase the Property.
7. Monday, August 26, 2013 - Request for proposals extended (if applicable, see Section VII)

II. Instructions to Bidders

A. Proposal Submission Procedures:

1. Sealed proposals must be delivered to the person and address listed in Section II-A-3 below, before 3:00 p.m. EST on the Due Date of Monday, August 19, 2013. Proposals received after 3:00 p.m. EST on the Due Date will not be accepted or will be marked late, unopened, and returned to sender, unless the bid period is extended as provided in Section VII.
2. All components of a completed Proposal must be received in one sealed envelope or box with the words "RFP #2009-0146 Proposal" legibly and prominently printed on its face. The envelope or box must also contain the Bidder's name and return address legibly printed.
3. Proposals may only be delivered via U.S.P.S. mail, or private carrier service (including hand delivery) and should be addressed as indicated below. Electronic or facsimile Proposals will not be accepted.

Attn: RFP 2009-0146 Project Manager
Real Estate Division
Department of Technology, Management & Budget
Real Estate Division
Michigan Dept. of Technology, Management and Budget
For U.S.P.S delivery:
P.O. Box 30026
Lansing, MI 48909
For private carrier delivery:
530 West Allegan Street
Lansing, MI 48933

4. All information shall be entered on the Bidders Acknowledgement form and the Offer to Purchase Real Property form in ink, either written by hand or typewritten. Mistakes may be crossed out and all corrections inserted before submission of a Proposal. The person signing the Proposal shall initial and date corrections in ink as well as the bottom of each page in the space provided.
5. Bid documents, including the Offer to Purchase Real Property, shall be signed by the person(s) authorized to contractually bind the Bidder. Potential Bidders are encouraged to consult with legal counsel to ensure that their proposal constitutes a legally binding offer. Failure to submit a legally binding offer is grounds for rejection of a Proposal. Proposals must contain original signatures.
6. Bid documents, including the Offer to Purchase Real Property, signed by persons on behalf of entities, other than for a natural person, must be accompanied by documents evidencing authority as follows:
 - a. Submissions by corporations or limited liability companies shall be signed by a person with authority to bind the corporation or limited liability company and shall be accompanied by a current certificate of good standing and certified copies of resolutions authorizing such submission, including the Offer to Purchase Real Property.

- b. Submissions by municipalities or municipal entities shall be signed by two officers with authority to bind the municipality or the municipal entity and shall be accompanied by certified resolution authorizing the submission, including the Offer to Purchase Real Property.
- c. Submissions by partnerships shall be signed by the authorized partner and shall be accompanied by a certified copy of the partnership certificate on file with the appropriate County Clerk and a copy of the partnership agreement and any amendments in effect as of the date of submission.
- d. Submissions by persons doing business under an assumed name shall be accompanied by a certified copy of an assumed name certificate on file with the appropriate County Clerk.
- e. Submissions by one natural person on behalf of another natural person shall be accompanied by a power of attorney which would be fully effective on the date of signature and irrevocable thereafter and which would authorize such action with regard to this specific transaction.

III. Proposal Package Contents

- A. Bidders must submit one clearly marked original and one complete photocopy of their Proposal package, containing the following information, tabbed in the order below:
 - 1. Copy of this Request for Proposal (RFP).
 - 2. Signed Bidder's Acknowledgement, as provided in this RFP.
 - 3. Signed and initialed Offer to Purchase Real Property with Purchase Price completed and property legal description attached, as included in this RFP, and Addendum, if applicable.
 - 4. Earnest Money in the form of a cashier's or certified check equal to ten percent (10%) of the purchase price, made payable to the State of Michigan shall be submitted with this Proposal, as security for the Offer to Purchase Real Property. The Earnest Money will be deposited by the State in a State account and will be applied at closing as a credit against the Purchase Price of the successful Bidder. No escrowing of the Earnest Money deposit will be accepted. Treatment of Earnest Money is more specifically defined in the attached Offer to Purchase Real Property. Earnest Money submitted by unsuccessful Bidders will be returned by certified mail, return receipt requested, and will be placed in the mail no later than three business days after the award of the Bid.
 - 5. Signed Release of Liability Form, as provided in this RFP.
 - 6. Evidence of Bidder's financial capability to complete the purchase, including the source of funds that will be used to purchase the Property.
 - 7. A written statement indicating how your proposal represents the highest price or highest value to the State in terms of direct and indirect financial, economic and community benefits. There is no prescribed content or length for this statement, however, any representations a bidder can honestly make that being able to acquire the property will allow the bidder to create new and sustained jobs in Michigan will be noted favorably. Similarly, any reasoned and thoughtful defense of a given dollar

amount bid for the property as being a fair market value offer will also be appreciated.

Failure to provide any of the above requested information may result in disqualification of proposal.

The State reserves the right to request additional information pertaining to the Proposal Package, or any other matters related to the Request for Proposal.

The winning Proposal made to the State shall be irrevocable, unless the State cancels this Request For Proposal as provided in Section I.

IV. Property Inspection and RFP Questions

- A. A guided tour of the subject property for prospective bidders is scheduled for 10:00 a.m. EST on Thursday, August 15, 2013. Prospective bidders are encouraged to participate on that tour, but it is not required. Interested parties must pre-register for the tour by completing and submitting the accompanying "Release of Liability" Form by e-mail or fax to the RFP 2009-0146 Project Manager with the DTMB Real Estate Division no later than 3:00 p.m. EST on Wednesday, August 14, 2013.

Fax: 517-241-3779

E-mail: dtmb-realestate@michigan.gov

Each copy of the Release of Liability form can accommodate the signature of one person.

- B. Questions Regarding Request for Proposal

Questions regarding the RFP must be made in writing and submitted electronically to the DTMB Real Estate Division e-mail address dtmb-realestate@michigan.gov no later than Wednesday, August 14, 2013, by 3:00 p.m. EST. Answers to properly submitted questions will be posted by Friday, August 16m 2013.

All questions and answers from all Bidders will be made available on the DTMB Real Estate Division web site www.michigan.gov/dtmb-realestate, under the following link "Surplus Real Property For Sale through DTMB".

The State will not respond to telephone inquiries or visitation by Bidders or their representatives with respect to this RFP, except as may be specifically provided elsewhere in this RFP.

V. Method of Award and Selection Criteria

Complete responses to this RFP will be evaluated by DTMB, which may convene a Joint Evaluation Committee (JEC), based on the extent to which each proposal responds to the information requested herein. Selection criteria will include, but is not limited to, the following:

- A. Specific details in the response, particularly in terms of dates, numbers and dollars. Vague and/or general responses are not acceptable.
- B. The most responsive and responsible Bidder that will allow the State to realize the highest price or highest value.

- C. Evidence of Bidder's financial capability to complete the purchase.
- D. Compliance with statutory, constitutional, and terms set forth in this RFP, including the Offer to Purchase.

The bid shall in all respects be governed by, and construed in accordance with, the laws of the State of Michigan.

VI. Best and Final Offer (BAFO)

If the selection process does not lead to a viable award recommendation, or if deficiencies are identified, DTMB, at its discretion, may prepare a Deficiency Report and/or Clarification Request (DR/CR) for each proposal determined to be in the competitive range. Bidders will be allowed to respond in writing to the DR/CR with a Best and Final Offer (BAFO). The BAFO may include changes to the original proposal, including alterations to the original price proposed. BAFO's must be submitted by the deadline established by DTMB.

After reviewing the BAFO's, DTMB will reevaluate the proposals using the original evaluation method. If an alteration to the original published evaluation criteria is to be made, changes in the criteria will be published to all Bidders as part of the issuance of the DR/CR's.

Bidders will NOT be provided any information about other proposals or where the Bidder stands in relation to others at any time during the evaluation process. Any request for such information will be viewed as a compromise to the evaluation process and the requesting Bidder may be eliminated from further consideration. Requests for proposal information by a Bidder, its subcontractor, or an affiliated party before bid award may also result in disqualification.

Bidders are cautioned to propose their best possible offer at the onset of the process, as there is no guarantee that any proposal will be allowed an opportunity to submit a BAFO.

VII. Bid Period Extension

If the initial bid period does not produce a viable award recommendation, the State may, at its discretion, extend the bidding period until it receives a viable bid. Timelines will be moved to correspond to the accepted bid date. Notification of a bidding extension will be made at DTMB's Real Estate Division website www.michigan.gov/dtmb-realestate (link "Surplus Real Property For Sale through DTMB")

The first qualifying bid that is received and accepted will end the extension period.

VIII. Freedom of Information Act (FOIA)

All information in a Bidder's proposal is subject to the provisions of the Freedom of Information Act (FOIA), 1976 Public Act 442, as amended, MCL 15.231, et seq.

Thank you for your interest in doing business with the State of Michigan.